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Local Agency Formation
Commission of Alameda County
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TABLE OF CONTENTS

| | * | Page |
|---|---------|----------|
| Preface | | i |
| Introduction and Scope of Report | | 1 |
| Summary, Conclusions & Recommendations | • • : • | 2 |
| Background | | 3 |
| Washington Township - Its Physical Setting & Character | istics | 5 |
| Sewage Capacity · · · · · · · · · · · · · · · · · · · | | 7 |
| City Spheres of Influence · · · · · · · · · · · · · · · · · · · | | 9 |
| Newark | | 9 |
| Union City | | 9 |
| Fremont | | 10 |
| Related Observations - City Spheres | | 11 |
| Union Sanitary District Spheres of Influence | | 12 |
| Alternative One - Urban Service Area Approach | | 12 |
| Alternative Two - Allocation Approach | | 15 |
| Alternative Three - More Traditional Approach | | 16 |
| Analysis of Alternatives | | 16 |
| Alameda County Water District - Sphere of Influence. | | . 18 |

PREFACE

The development of the Spheres of Influence for the Washington Township Area involves two Districts and three Cities that provide urban services. If a study of this nature is to arrive at a conclusion which has a reasonable expectation of being implemented, it must be recognized that "hard political facts" do exist.

If time could be set back about 25 years before any Cities existed, the recommendations in this report would be considerably different. Even today, if we could make a recommendation based on pure logic, we would recommend that all three Cities and the two Districts be replaced by a single City. However, if it is to be more than an academic exercise, we recognize the role that each agency has in providing services to the area.

INTRODUCTION AND SCOPE OF REPORT

Development and determination of "sphere of influence" for the "probable ultimate physical boundaries and service area" of all local governmental agencies in the County is required of the Local Agency Formation Commission (LAFC) by a 1971 State law. It is further amplified by a 1973 Alameda County policy which included a priority implementation schedule for the sphere of influence determinations. With four area spheres determined by LAFC, this report covering the agencies in the Washington Township is the next priority established by the Commission's policy.

This staff report was developed in concert with the County Planning Department, the staff of each City, the Union Sanitary District and the Alameda County Water Conservation & Flood Control District. In addition, the Association of Bay Area Government's Environmental Management Plan Task Force was consulted, as this emerging Plan is likely to have considerable impact on the development of land in the County and the region. Also, this sphere report reviewed the prior Eden Township sphere determination and the recommendations herein are compatible with those prior LAFC decisions.

The interrelatedness of the local governments in the Washington Township makes establishment of simultaneous "spheres" for each of them most logical. It recognizes that the cities and supporting districts together supply the urban services in the area, and the spheres should represent the boundaries which define the total community. There are interrelated economic, environmental, transportation, geographic and social interests that make the Washington Township a "community." Such is the thrust of this report, and recommendations for all local agencies are proposed.

Lastly, the issues regarding the spheres are sufficiently complex that this report provides alternatives for consideration by the Commission. The alternative approaches to the Union Sanitary District sphere determinations are sufficiently broad that this report first urges some Commission review of alternatives before final staff work on proposed spheres. It is recognized that portions of the proposed alternatives suggesting urban service areas were considered by the Commission several years ago, but conditions warrant a reexamination.

Because there has been a considerable time lapse since the last report, a good deal of background information on the sphere of influence approach and philosophy is included; it should better enable us to "set the stage" for this report.

SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

The overlapping Districts and Cities in Washington Township providing municipal-type services present a rather unusual, if not unique, situation. While a general community-of-interest is reflected in the Township, and it represents a good sub-regional planning unit for the sphere study, significantly, only about 3% of the area is not already within city boundaries. And were it not for a Sanitary District covering virtually the entire Township, and the same for a separate Water District, establishing the spheres in the area would be a relatively simple process.

However, the situation is not that simple. Union Sanitary District is smaller than the three Cities it serves and overlaps. Further, there is considerable question of whether the District has sufficient treatment capacity near and longer-term to serve the three Cities. Since Union Sanitary District provides service "first come-first serve," equity of access to capacity is thus a concern to many parties. Therefore, the extent to which the LAFC should attempt to phase development to coincide with treatment capacity is a policy question needing full Commission discussion and guidance. A more affirmative posture toward shaping patterns of urbanization is consistent with the Knox-Nisbet Act, but generally, the intent of the sphere of influence law is to deal with unincorporated but urbanizing areas.

For the Cities, following are the recommended spheres:

- 1. Newark Existing city limits, plus the Berchem Meat Co. property.
- 2. Union City Existing city limits plus the Decoto Fire District.
- 3. Fremont Existing city limits except Zone 7 boundaries on the East.

For Union Sanitary District, three alternative approaches are presented:

- Modified Urban Service Area approach generally attributed in concept to Santa Clara County LAFC. The identification of areas within the sphere where urbanization is most feasible in the next few years -- considering all pertinent factors, including sewage capacity.
- 2. An Allocation of Sewage Capacity approach, setting the sphere boundaries to attempt to allocate remaining capacity equitably among the cities. The approach has considerable problems.
- The more traditional approach of considering all pertinent factors but not attempting to control or affect sewage capacity.

In view of the circumstances, development of the first alternative seems appropriate to the staff.

For the Alameda County Water District, a sphere is recommended that is coterminous with the outer sphere of the three Cities, with one exception: due to the hydrology of the area, the west and northerly sphere should be the existing Alameda County Water District boundary which extends into Hayward.

BACKGROUND

The change to the Knox-Nisbet Act in 1971 requiring LAFCO's to establish spheres of influence shifted the Commission's role significantly. Spheres of influence became one of the most important considerations in fulfilling LAFCO's responsibilities for "planning and shaping the logical and orderly development and coordination of local governmental agencies..." The Commission's role could become much more proactive as tools were given it to assert policies and procedures affecting the fabric and makeup of local government.

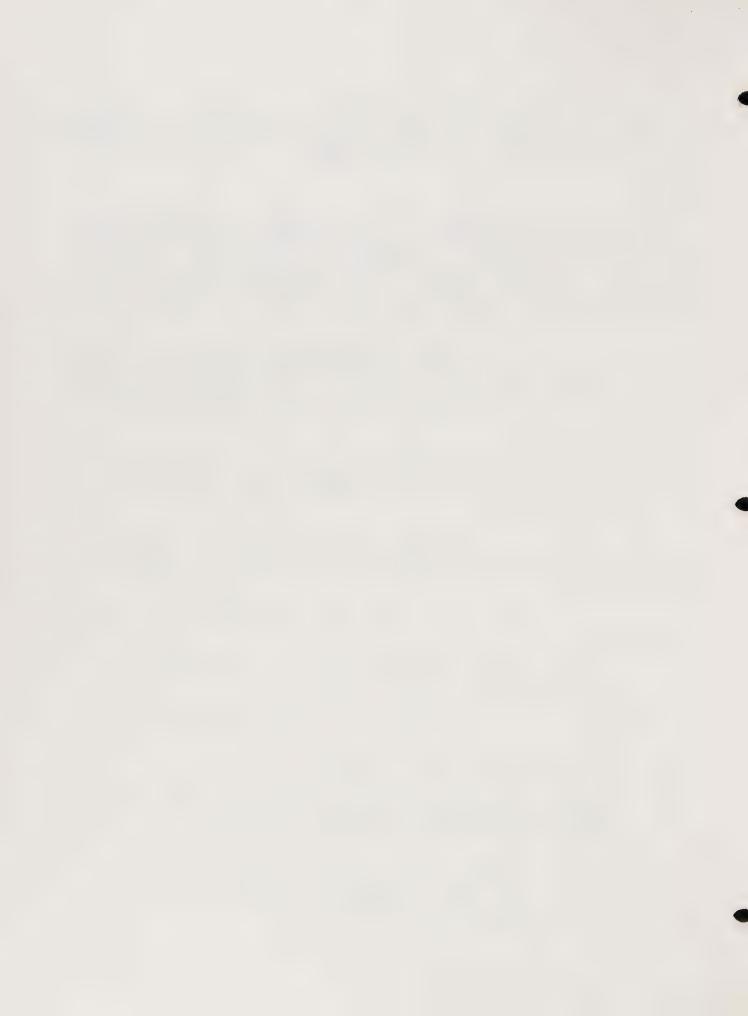
In establishing the spheres of local government, the LAFC is issuing a "statement of intent" on where it thinks future boundaries should be located. In doing so, it thereby designates which City or District is in a better position to carry out policies in their respective General and Master Plans and/or best provide the municipal-type services which are critical to urbanization and the quality of life implicit in urbanization.

As such, spheres help direct urban growth by defining the areas which should or should not urbanize. In the County then, a composite map of spheres should delineate desirable growth patterns as well as point out most desirable forms of local governmental structure.

One caution, however, is that spheres of influence are not to be the sole consideration for annexation to a jurisdiction. The Knox-Nisbet Act indicates that spheres are one factor to be considered in proposed annexations, exclusions, incorporations, etc.

In developing spheres, the Knox-Nisbet Act requires consideration to be given to the following:

- (a) The maximum possible service area of the agency, based upon its present and possible service capabilities.
- (b) The range of services the agency is providing or could provide.
- (c) The projected future population growth of the area.
- (d) The type of development occurring or planned for the area, including but not limited to residential, commercial and industrial development.
- (e) The present and probable future needs of the area.
- (f) The present level, range and adequacy of services provided by existing agencies.

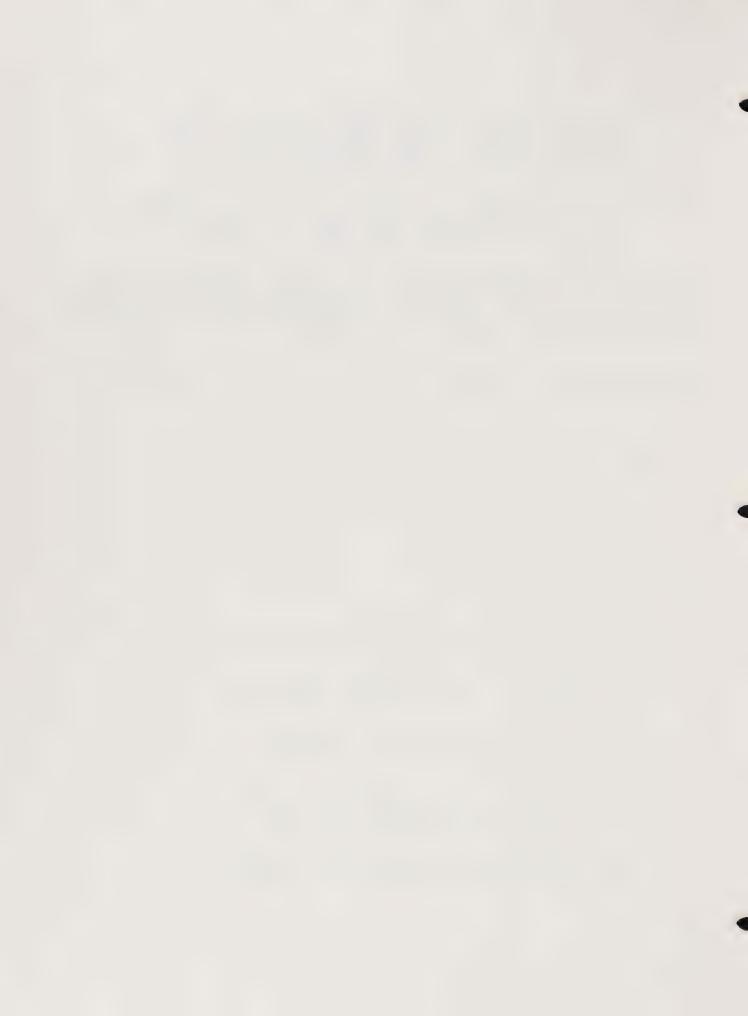


- (g) The existence of social and economic interdependence and interaction between areas within the boundaries of a local governmental agency and areas surrounding it which could be included within the agency's sphere of influence.
- (h) Agricultural preserves in the area considered for an agency's sphere of influence and the effect on the physical and economic integrity of such preserves from inclusion in the agency's sphere of influence. (Government Code Section 54774.)

In addition, another important consideration in setting a sphere is the demonstrated evidence by a City or a District that it "has or will have the resource capability beyond its own internal needs to provide services in the areas to be included in the influence areas." (Alameda County LAFC policy.) Certainly, this has been a significant consideration in the analysis.

Alameda County LAFC policy identifies numerous other factors to be considered regarding development of spheres:

- 1) Sewage facilities, either developed or planned.
- 2) Police and fire protection.
- 3) Waste disposal.
- 4) Provision of water transmission mains.
- 5) Parks and recreation service.
- 6) Compatible street circulation.
- 7) Economic and social relationships.
- 8) Geographic or natural topographic features such as rivers, ridgelines, ravines, etc.
- 9) Man-made barriers, such as freeways, major streets, railroads, etc.
- 10) Compatibility of city and county improvement standards and regulations.
- 11) Future potential population change of the area.
- 12) Consideration of existing school, postal and judicial districts.
- 13) The tax base needs and revenue producing potential of cities or special districts.



The County policy cautions, though, that the adopted sphere should reflect composite evaluation of all factors. Nor should LAFC adopt spheres which would be detrimental to the general public interest, such as allowing one jurisdiction to create a problem in its sphere that would or could become a problem for other jurisdictions to solve. In fact, one major objective of the spheres determination is to foster and support continued cooperative planning and communications between the jurisdictions affected. Ultimately, that is the soundest means to protect and enhance the overall public interest in the entire area.

However, despite all of these definitions and guidelines, there remains a problem with conceptual clarity. The term "sphere of influence" remains a somewhat ambiguous phase for professionals and laymen alike. Contrary to legislative definition, in practice, spheres usually do not represent "ultimate physical boundaries" for local agencies. In many counties they are more likely to represent areas which should be in cities and districts within a certain time frame. The difficulties of honestly and rationally projecting "ultimate" boundaries has led many LAFCO's to the time span approach. Although not clearly defined as such, it undoubtedly is the basis for the spheres adopted to date in Alameda County.

Adequacy of spheres of influence must also be considered. To be an adequate sphere, the wording in the Statute should be consulted. In addition, a March 8, 1977 Attorney General Opinion gives further clarification. While the Knox-Nisbet Act uses the word "plan" for the "...probable ultimate physical boundaries..." it can broadly be considered as a proposed method of achieving an end, and in the Attorney General's Opinion, that definition gives considerable latitude to the outer limits, but one must look further for minimum requirements. Spheres may not, according to the Attorney General's Opinion, be a "series of boundary lines on a map," but must include a "fairly detailed inventory of existing governmental agencies indicating maximum service area and service capabilities." In order to do this and be a comprehensive planning tool, it should include the information required in Government Code Section 54774, as previously outlined. Spheres constitute studies and not merely maps with tentative boundaries.

In summary, spheres of influence represent a long-range planning tool, serving as general plans to combat urban sprawl and provide well-planned, efficient urban development patterns. At the same time, appropriate consideration is given to preserving prime agricultural and other open space lands, and rather than being "ultimate boundaries," spheres are generally related to some time schedule.

WASHINGTON TOWNSHIP - ITS PHYSICAL SETTING AND CHARACTERISTICS

The Washington Township area is a large, mainly urbanized area of Southern Alameda County abutting San Francisco Bay. It corresponds to the Washington Planning Unit of the Alameda County General Plan.

Extending approximately 14 miles in a northwest-southeast direction and from the Bay shoreline on the west to the steep ridgelands to the east, it encompasses the Cities of Fremont, Union City and Newark; the Union Sanitary District; and Alameda County Water District. Only about 1,630 acres in the very northeast quadrant is unincorporated (the Decoto Fire Protection District.)



Development is generally confined to the Bay Plan with only nominal residential development in the foothills. Total estimated population is 192,800, with Fremont comprising 68% of the total (130,000); Newark, 16% (30,000); and Union City 17% (32,800). Approximately 70%-75% of the land in the area is developed.

In the context of determining sphere of influence for the cities, the more standard and traditional approach and concern does not exist. Fremont has incorporated all lands essentially from Milpitas/Santa Clara County line on the south the Bay to the County line on the west, to the ridgeline on the east and to Hayward and Union City on the north. Newark is surrounded by Fremont, as is Union City, except for its northerly side and the Decoto Fire District area. Therefore, the more typical concern of spheres -- which unincorporated areas should be allowed to urbanize and which local governmental agency (preferably general purpose) should provide the municipal services is not an issue. Virtually all of the developable land in Washington Township is within existing cities.

On the other hand, it would appear that under the Knox-Nisbet Act, LAFC could legitimately exercise some controls to influence urbanization in the spirit of "... planning and shaping the logical and orderly development...of local governmental agencies..." Techniques and procedures developed in some counties have enabled LAFCOs to be a positive and productive force for sound urbanization patterns -- although the tools available are somewhat limited. That is if the desired results are urbanization relatively free of sprawl characteristics, land developed in orderly, logical patterns to assure cost-effective and efficient services, and the avoidance of actions in one city adversely impacting neighboring cities and/or agencies.

One of the real problems, however, is that although by State law LAFCOs are primarily charged with controlling urban sprawl and promoting orderly development, they are not truly planning agencies. Development of General Plans, Zoning Ordinances and related regulations for land development rest with the cities and the counties. There remains the dichotomy between the cities and counties who have the planning tools and the LAFCOs who have the mandate for sound development but no planning tools.

However, if the Commission so chooses, there are some approaches which <u>may</u> aid in the orderly development of the Washington Township within the spirit and meaning of the Knox-Nisbet sphere of influence law. Those alterntives are a primary focus of this report, providing the Commission an opportunity to evaluate them.

The situation that provides this opportunity is the Union Sanitary District boundary, which is somewhat smaller than the current combined tri-cities boundaries.

A caution, though, is in order. In entering this matter, it would seem that maximum effort needs to be made to reflect and incorporate the cities' planning policies and goals. It should be assumed that the land use policies in each City best reflect the local and unique circumstances in their respective agency. As previously stated, LAFC does not have planning powers and it must rely heavily on the cities' plans, but too, it should be acknowledged that not all of the cities' plans and policies are fully consistent with one another. That is most apparent



in the concern and action they individually are taking regarding the area's joint sewage capacity. The degree to which the various cities are dealing with sprawl, balanced development, cost-effective and efficient service extensions, also varies.

Since LAFC has the mandate to deal with urbanization through its spheres legislation, there is an opportunity to aid the cities and serve the broad public interest in the Township. The challenge, too, is to meet the test of adequacy for the spheres while appropriately reflecting and incorporating local planning policies.

SEWAGE CAPACITY

The question of sewer capacity is a major issue and factor in the urbanization of Washington Township. Since a single sanitary district services the entire area, its capacity and the timing of its future capacity could have a real bearing not only on the ultimate urbanization of the area but also on its rate of development. Some understanding and review of the capacity issue, then, is an important aspect of the spheres' development. In fact, some argue that it may be or should be the primary controlling element.

Under the aegis of the East Bay Dischargers Authority, the Union Sanitary District is embarked upon an improvement plan which will provide a design capacity when completed of 19.7 million gallons per day in a single plant. It is expected to be "on line" in November, 1980. Currently, the combined flow into the Union Sanitary system is 12.83 mgd as of October 1, 1977, which is down about 30% over "normal" flow prior to the drought and water conservation. This reduction also reflects a considerable number of new connections since the December, 1976 peak flows.

Until the consolidated plant is completed, sewage is being treated at three different plants. Respectfully, current flows as a percent of capacity are 72% at Newark; 48% at Irvington; 62% in Alvarado. Combined flows are 58% of capacity, but it should be noted that the new combined plant has 10% less capacity than the current three plants.

Unfortunately, there are so many variables and unknowns that a precise projection of how much and when sewer capacity will be available is about impossible. For instance:

- The degree to which water consumption (for treatment) will increase after more normal precipitation and improved water supply.
- The extent to which physical water conservation water devices will be utilized, as compared to personal habits of water consumption.
- The rate of new development, particularly residential, in the area.
- The average family size in the years ahead, since it has a considerable bearing on water use.
- The extent, if any, to which the new plant might have final certified capacity beyond the design capacity of 19.7 mgd.



 When and if the preliminary Union Sanitary District plans for plant expansion are approved and construction completed. These plans may be significantly influenced by the <u>Environmental Management Plan</u> (EMP) now being developed.

In October, 1977, a projection by the Sanitary District showed a <u>550%</u> spread in remaining capacity -- the difference between projecting current flow rates and those of 1976 before water conservation. A recent Fremont study (<u>Timed Development Study</u>, August 1977), projects treatment capacity exhaustion ranging from December 1978 to September 1985, depending on which daily flow rate one choses to use. That is a 69-month spread!

A couple of scenarios are worth examining, both involving a lot of assumptions. The first would assume a 10% "permanent" reduction in water consumption, together with a plant expansion of undetermined size on-line in December 1983 and an annual growth rate in the tri-cities of 4,195 equivalent dwelling units. These data are from the Fremont Timed Development Study. In this scenario, treatment capacity would be exhausted in March 1981 -- a condition which would continue for 33 months until the expansion was available.

A more severe scenario would assume only a 5% permanent reduction in water consumption, together with all of the other assumptions of the first scenario. This set of assumptions projects treatment shortfall of 48 months before the plant expansion and four months before the current work is completed.

If \underline{no} permanent water reduction were effected and flows returned to the 230 gallon per day per unit, the District could have a capacity shortage as early as late 1978. This assumes construction of all current projects within the next 12 months.

Of course, if a permanent 25% reduction is effected, there would be <u>no capacity</u> problem until 1985 -- and without a plant expansion.

The potential for the 1982-83 plant expansion may be influenced largely by the Environmental Mangement Plan now being developed. While the Union Sanitary District expansion is on the California Regional Water Quality Control list, if the EMP is to have much meaning this and similar sewer projects must be considered and made consistent with the Plan. While the EMP is, to date, primarily advocating "compact growth," it is too soon to know what that translates into specifically for the Washington Township area and the proposed treatment plant expansion plans. If for any reason the EMP process discourages this plant expansion, the prudent stewardship of remaining capacity is even more in the public interest of the entire Township.

Suffice it to say, the uncertainties regarding capacity are too broad either to be assured that there is enough capacity not to need to be concerned, or at the other extreme to be sure there is a capacity shortfall. However, prudent analysis would suggest, it would seem, that significant consideration should be given to sewer capacity in the planning and development of the Washington Township for the foreseeable future.



CITY SPHERES OF INFLUENCE

While it has been indicated that the Washington Township has the characterics of one community, there are three distinct incorporated cities in the area. As general purpose units of local government, establishment of the cities' spheres should be the cornerstone of the Township approach. The other Districts providing municipal-type services should be fitted into this one community by their spheres of influence. The expansive area incorporated into the cities further makes the cities and their spheres paramount, and with so little unincorporated area the sphere determining process is quite logical and simple.

A full description of municipal services, education, and their adequacy, including environmental consideration will be included in the Environmental Impact Report accompanying this report.

NEWARK

A City of 8.3 square miles and 30,000 population, totally surrounded by the City of Fremont, gives it little or no likelihood of expansion of its City boundaries, except for the Berchem Meat Company property. It is located completely on the west side of Route 17. It was the original City incorporation in the Washington Township, although its incorporation was being considered almost simultaneously with the other districts in the Township.

Clearly the economic vitality of the City depends heavily on the purchasing power of Fremont and Union City residents -- particularly so for commercial/retailing operations. Conversely, to some degree the economic vitality of Fremont, and to a lessor extent, Union City, is interrelated with Newark. In addition, Newark, Union City and Fremont are seeking industrial development and have land set-asides for industrial use considerably beyond the current demands. With the highest composite tax rate in the County at this time, the need for a better tax/revenue balance in Newark is apparent to assure the City's and related local government's long-term economic health.

The Cities of Newark and Fremont are quite interdependent in many other ways, too. In fact, Newark may have characteristics of a neighborhood in the larger Washington Township area. But broadening the City's sphere does not seem advisable nor practical, so it is recommended that the sphere of influence for Newark be coterminous with its current City limit boundary with the addition of the Berchem Meat Company property.

UNION CITY

Bounded on the north and west by Hayward, the south by Fremont and on the north-easterly by the unincorporated Decoto Fire District, this City of 32,800 population has 15 square miles and is all but locked into its current boundaries by other cities. The developed portion of the City is split nearly in half by the Route 17 Nimitz Freeway and it is difficult to establish a city center or focal point. The City's new Civic Center Complex will be located on Alvarado-Niles Road, somewhat the geographical center of the City.



Distinguishing features of the City are the older residential/commercial areas near the Route 238 Mission Boulevard easterly area (Decoto area) and the westerly Alvarado area. Also prominent are the newer residential areas both west of the Nimitz Freeway and in the hills on the far east side of the City. The far eastern hills remain undeveloped to a large extent, with no definitive City policy on hill development. The City includes a substantial industrial base, and is actively seeking to expand it further.

Like Newark, there is a strong economic and social interdependence with their larger neighbor, Fremont. Economic development in Union City may be at the expense of Fremont -- and vice versa.

The only area that is not within a City is the Decoto Fire District. It is a logical extension of Union City, and the entire District is recommended to be in Union City's sphere of influence. Access and services are most likely to be through Union City. This, too, is consistent with the previously adopted Eden Township sphere for Hayward.

Thus, the proposed sphere is coterminous with the preliminary Hayward sphere, which is the Union City boundary on the west and north, the Decoto Fire District on the northeast and the current City boundary on the east. The balance of the sphere should be coterminous with the Fremont-Union City line. This action, too, would be supportive of the City's General Plan.

FREMONT

As the dominant City in Washington Township, Fremont is comprised of about 50 square miles in its corporate limits and has a current estimated population of 130,000. The City's General Plan area is also coterminous with the City limits, and it is the City's policy that there is not likely to be urbanization beyond the City -- at least not in any unincorporated area.

It is proposed, then, that the City's limit on the west and south be its sphere of influence.

On the east side, primarily in the hills, it is proposed that the Alameda County Flood Control District Zone 7 boundary be the sphere of influence. The Zone 7 line is the Township line, to the best of knowledge, and generally the ridgeline. The only exception would be in the northeasterly area where the current City boundary is further east than Zone 7, and it should be the sphere boundary. For the most part, this Zone 7 boundary is only slightly further east than the existing City limits. By use of this line, the City's sphere would be coterminous with that recommended for the Alameda County Water District, and the Zone 7 line is a rational line for water service.

The existing City boundary on the north and northwest is the proposed sphere of influence. Together, this sphere is consistent with the City's General Plan and its goals.



RELATED OBSERVATIONS - CITY SPHERES

The history of the Washington Township indicates that a significant factor in motivating the citizens and taxpayers originally to incorporate was to shift land use decision-making to the local community. Growth was occurring throughout the Township and a greater degree of local decision-making was sought.

Beyond that, the Newark and Union City districts had additional reasons for separate incorporations -- which obviously were not compatible with those in the other districts that jointly incorporated as Fremont.

However, as previously pointed out there are definitely many characteristics in the Township that make it a distinct community. Social, economic, job and work locations, transportation, land use patterns, etc. are interrelated and interdependent. On the other hand, the need for economic and tax vitality frequently put the cities in direct competition and even conflict with each other. The overall public interest of the Township, at least land-use wise, may not always be best served when the real needs of the individual cities for adequate funds must be pursued and developed.

The incongruity is also apparent in the sewage capacity problem discussed in this report. While there are three cities in the Township, there is only one district providing wastewater services -- and one providing water service.

Were the wastewater district and the cities one entity, there would not be the evident problems and differences over sewage capacity. For these reasons, then, there is a strong case for one, consolidated City sphere of influence.

There are arguments against this, as well. Probably foremost is that, as mentioned before, the two smaller cities could be considered as distinct neighborhoods in the larger community. Clearly, those citizens have feelings of local desire for representation, decision-making and delivery of services. The incorporation as cities for Newark and Union City was a means to pursue and fulfill those local desires and objectives.

Were it possible in law, the ideal arrangement would be two-fold. First, a more localized service delivery and decision-making mechanism would be provided in the cities and neighborhoods. Secondly, an umbrella type agency in the same sub-regional community would simultaneously provide those services and decision-making for those issues affecting the public interest of the entire area. Such an agency would equalize revenues to need, assure land-use policies not adversely affecting any neighborhood (hopefully), and in general, care for community-wide needs.

Without this option, the forces of local, neighborhood decision-making by the cities is of a magnitude to make the consolidation of cities not very feasible nor practical at this time. The Commission should, nonetheless, consider these two opposing alternatives with seriousness in this sphere-setting process for a more favorable political and cultural climate may arise in the future.



UNION SANITARY DISTRICT SPHERE OF INFLUENCE

Currently encompassing about 50 square miles with an assessed valuation of \$772,950,000 and serving and estimated population of 193,000, the Union Sanitary District serves the entire Township. But the current boundary of the USD is smaller than the outer perimeter (and proposed spheres of influence) of the three cities in the Washington Township. Thus, a rather unusual situation exists -- or opportunity -- depending upon the point of view.

On the premise that there is either a short or long-term sewer capacity problem (or both) that will affect, if not the ultimate size of urbanization, at least the rate of urbanization, serious consideration should be given to the sphere of influence for Union Sanitary District. Such a position also recognizes a key role by LAFC in fostering orderly development patterns, infill and compact growth rather than sprawl.

The other end of the spectrum would say that the City's existing limits and General Plan processes are the only rational basis for the Union Sanitary District sphere, and that the Sphere of Influence law would not require or expect anything else.

Because of the unique qualities of the situation in Washington Township, several alternative approaches to the sphere of influence issue for Union Sanitary District will be presented for LAFC consideration. The alternatives encompass the spectrum of policy positions for the LAFC. The more assertive of the proposals is new for this County and argues for a more proactive LAFC posture to affect and influence orderly development patterns.

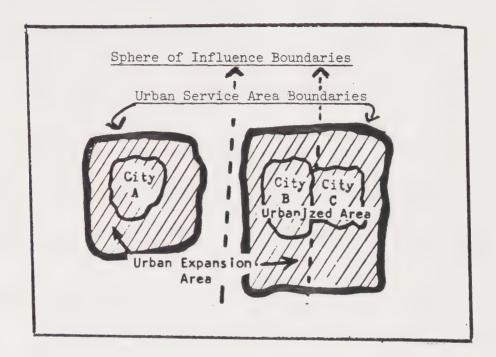
ALTERNATIVE ONE-URBAN SERVICE AREAS APPROACH

This approach would adopt a modification of the Urban Service Area concept of Santa Clara County, designating Urban Expansion Areas as major factors in considerations for future annexations to Union Sanitary District. Theoretically, at least, this procedure would not only phase available sewer capacity to actual growth, but would foster more compact growth in the Township.

The details of the concept are as follows. While spheres of influence would be established as limits beyond which cities and districts could not expand, the concept of "Urban Service Areas" deals with urban developed and vacant areas, including agricultural lands which are primarily between existing developed areas and sphere of influence boundaries. It goes beyond the concept of ultimate physical boundaries by establishing zones within the spheres of influence which are designated as either: 1) urbanized area; 2) urban expansion area; 3) open space (temporary or permanent); or, 4) transition areas (between urban expansion and open space).



For each zone or service area, specific City policy guidelines regarding zoning, land use, priorities and criterion would be observed wherever possible. Illustrated below is the concept:



_Implicit in this approach is an emphasis on development in compact patterns within Urban Service Areas before expanding to the residual lands between Service Areas and sphere boundaries.

More specifically, Urban Service Area(s) would be established for Union Sanitary District within which growth and annexation would be allowed in the next five years. The agency's capital expenditure program (approved by appropriate regional and State agencies) would be a major factor in determining the ability of Union Sanitary District to provide treatment capacity upon demand in the next five years.

A real problem with this approach is how to recognize and incorporate the potential growth over the five years on undeveloped properties already in the District boundaries. A conscientious effort then must be made to include this growth in the calculations of available capacity for the expansion areas.

To be consistent with the Sphere of Influence law, several criteria must be considered, other than treatment capacity and the ability to provide it within five years. What is suggested are factors included both in the City of Fremont's recent Timed Development Study and the ABAG Environmental Management Plan. These factors tend to encourage growth while improving the economy in the delivery of municipal services.



Following are factors to be considered in establishing the proposed Urban Service Areas for the Union Sanitary District:

- The extent to which the area would appropriately increase density near existing BART and public transit, as well as other urban services.
- The extent to which the area is free of soil, slope or other conditions which would support only low-density development.
- The extent to which the area would improve the mix of residential/industrial/commercial development in the respective city.
- The extent to which water and sewer service lines already exist in the area, or are immediately adjacent.
- The extent to which the city and/or district are committed to installation of water and sewer lines in the area.
- The extent to which the area would be "infill" development within existing urbanized areas.
- The extent to which development of the area would improve job opportunities to existing urbanized areas.
- The extent to which the area would enhance the respective city's General Plan goals.
- The extent to which provision of municipal services is cost-effective to the providing city, including fire, police, public works, recreation, etc.
- The extent to which the development as provided in the General Plan would promote a wider variety of housing types and thus add balance to the respective city's housing stock.
- The extent to which the area encompasses agricultural preserves and the extent of maintaining the physical and economic integrity of these areas.
- The extent to which development in the area is compatible with the General Plan and goals of any adjacent city.
- The extent to which open space should be preserved.

With these and the aforementioned criteria, Urban Service Areas should be able to be developed for the Union Sanitary District.

Because of the circumstances discussed earlier regarding the size of the cities in Washington Township, it would be suggested that the Union Sanitary District sphere of influence be coterminous with the outer boundary of that for the three cities in conjunction with the Urban Service Area approach.



Some of the problems and concerns with this approach should also be mentioned. Foremost is that this rather laboriously developed approach may indeed not significantly aid in the timing of sewage capacity to actual need. Similarly, it may not significantly enhance more compact development and orderly growth. It may simply be too late to accomplish those goals effectively.

For instance, the amount of undeveloped land outside the Union Sanitary District boundaries and within the tri-cities spheres is limited. Moreover, there are pending annexations of almost 500 acres to the District and the Commission decisions on these will greatly affect this process. What is left to place in Urban Services Areas may be insufficient to make an impact, particularly if these 500 acres are annexed first.

Another concern is that by limiting the urban expansion areas to the next five years' growth and sewer capacity there may be legal problems with "due process." If there are properties outside the Urban Service Areas, but that are equally or nearly equally meeting the Urban Service Area criteria and/or easy access access to existing facilities, a problem may exist. Strong, clear rationale must be developed to sustain the Urban Service Areas' boundaries adopted. Urban Service Areas can be modified and/or recognized as only one consideration in annexation requests. If, on the other hand, the Urban Services Areas are not limited to anticipated five-year growth areas, the concept will not meet its intended objectives.

A potential political problem is that this approach most directly impacts only Fremont. Potential growth throughout the Union Sanitary District should be used in establishing the Urban Service Area broundaries, and thus Union City and Newark should also be adequately protected. Until specifics are developed, it is difficult to tell for sure. This approach hopefully reflects the broad public interest of the whole Township area. Some individual City General Plans will be enhanced more than others, possibly, but the interrelationship of each should be a primary consideration.

Should the Commission wish it pursued, the LAFC staff will develop proposed Urban Service Areas for the Union Sanitary District, based on consultation with all cities and agencies involved. It would then be proposed to LAFC for final consideration and adoption. Before adoption, too, an environmental assessment would have to be completed, most likely resulting in preparation of an EIR.

ALTERNATIVE TWO-ALLOCATION APPROACH

If it is felt that sewer capacity is, if not the major, certainly a primary consideration in the Union Sanitary District sphere of influence, adoption of an allocation of sewer permits approach might be considered. On the plus side, an allocation scheme would presumably end the inter-city differences regarding location, type and rate of growth in the Washington Township. It would help assure that the general policy of more jobs and industry would be encouraged.



On the other side, the allocation quotas would probably have to be adopted unilaterally by LAFC because the three cities have yet (and are not likely) to agree on the hard numbers for allocating. Moreover, if developed by a line on the map, there is a real possibility of affecting land values up and down rather dramatically.

As with Alternative One, the appropriateness of allocating or reserving sewer capacity for undeveloped land within each city is questionable, especially so when precise timing for use of the capacity is unknown. Property owners in any or all three of the cities could be penalized, and be precluded from developing/annexing when they choose to do so. This might be so even when the respective City General Plan(s) were supportive of their land use proposal. But as stated previously, the broad public interest in the Township may offset these concerns.

This approach also has the same legal and "due process" concerns of the Urban Service Area appraoch, especially so when properties with equal or comparable access to urban service facilities were denied annexation because of the allocation plan.

Lastly, within the State law definition it is very difficult to devise an allocation system consistent with the sphere of influence definition(s). In all likelihood, the allocation system would have to have its basis in a sphere boundary line for Union Sanitary District. However, as even that approach is somewhat imprecise, the allocation numbers would have to be a range -- and a certain percentage of the total remaining capacity. Another variation would be to establish a minimum share for each City and another minimum reserve capacity to float for all users. It would reduce LAFC "control." And as in Alternative One, this approach would require a proactive posture by LAFC and reflect a real sense of mission to affect the rate of timing and urbanization.

ALTERNATIVE THREE - MORE TRADITIONAL ALAMEDA COUNTY

The LAFC may prefer a lower profile in establishing the Washington Township spheres, an approach with less concern over sewage capacity and location of urbanization, since it is within cities. Consideration only of the sphere of influence issues outlined in State law and Alameda County LAFC policy would be this approach.

While sewage capacity would not be a primary objective, this analysis and approach might still yield proposed Union Sanitary District spheres smaller than the cities —that might indirectly affect sewage capacity, at least.

ANALYSIS OF ALTERNATIVES

To a great measure, the various alternatives relate to the sense of mission and concern which the Commission has for urban growth patterns. Should the Commission wish to affect more orderly urbanization patterns and/or directly affect the sewage capacity issue, the first and second alternatives would encourage such an objective.



While the Knox-Nisbet law does not provide all of the authority needed to bring results directly, there is sufficient authority to affect the outcome substantially if that is the mission and goal of the Commission. Certainly the various LAFCO's around the State have utilized this law to widely varying extents -- and the key determinate was the respective Commission's commitment to influencing urbanization patterns and timing.

Another interesting dichotomy also exists. At the same time the Knox-Nisbet has goals so broadly stated that the Commission is frustrated with the lack of specificity, they can also be viewed as goals broad enough to allow the local Commission adequate discretion to affect urban growth.

With that backdrop, it would appear that Alternative One is the most articulate procedure for a fairly strong affirmative posture toward urban growth and sewage capacity. It also has no assurance that its goals can be reached, even though it is a rather laborious effort. It represents a fairly strong involvement in timing of the cities land use decision-making, although it does not directly affect land use decisions.

The second alternative also seeks to deal with the sewage capacity problem forth-rightly. It would appear to "solve" that issue rather directly but has both legal and principle problems. It may also be almost impossible to defend with sufficient rationale. Tieing it to the Sphere of Influence procedures may be difficult.

The last alternative is the more typical for Alameda County and several other counties. It does not seek to deal directly with the sewer capacity issue or to affect urban growth when it is located in cities.

It would appear to staff that the need for phasing of growth to available sewage capacity warrants a more affirmative role by LAFC. It does not appear too defensible for LAFC to skirt the issue when the potential inequity of land development patterns among the cities is as great as it appears. Likewise, more concern with urban growth patterns seems to be a desirable role for Alameda County LAFC. Development of Alternative One is thus recommended. Because it is on a rather limited scale, it would be a good opportunity to try out the Urban Service Area concept. It might be useful in other areas of the County. And lastly, the concept appears compatible with the Timed Development Plan now being studied in Fremont. If adopted there, that policy would emphasize growth in certain areas to further the City's General Plan goals.

It is important for LAFC to view the entire area of Washington Township and the overall public interest -- as distinguished from more narrow viewpoints and interests that other approaches involve. The arbitrariness of the allocation approach seems to be that narrower view that assures each City some growth, whether it is located in the optimum area of the Township or not.

ALAMEDA COUNTY WATER DISTRICT SPHERE OF INFLUENCE

As the other agency in the Washington Township providing a vital municipal service, a sphere of influence should concurrently be determined for this District.

The current boundaries of the Alameda County Water District are roughly those of Fremont and the outer limits of Union City. The major exception is on the north and northwest side, where the District crosses the Washington Township line into Hayward. This boundary was established in 1913, reflecting the hydrologic knowledge of the time. It was felt to be the northerly limit of the Niles cone. One small detachment from the area was made in recent years, but since the Alameda County Water District is involved in an extensive ground recharging program, it is their opinion that all of the lands within the recharge area should remain within their boundary. The District's property tax income is fully devoted to the recharge program, although they do not and will not provide water service to properties in Hayward. That is reserved to the City and an agreement between the Alameda County Water District and the City assures this and other items of mutual concern and interest.

It is proposed, therefore, that the northerly sphere be the existing Alameda County Water District boundary, which includes a portion of southwest Hayward and Eden Township. The agreement between Hayward and Alameda County Water District has insured fair and equitable service and cost-apportioning in the Hayward area.

Easterly of the Southern Pacific Railway near Whipple Avenue, the Alameda County Water District sphere should be coterminous with that for Union City, including the Decoto Fire Protection District. The Decoto Fire District is included to be coterminous with the recommended Union City sphere.

Along the easterly side, the Alameda County Water District sphere should be coterminous with the Union City and Fremont spheres, which is concurrently the Fremont city limit approximately to Route 680 and then is the boundary of the Alameda County Flood Control District Zone 7 to the south Fremont limits/Alameda County line. Since Zone 7 is a water wholesaler, this appears to be a rational choice as an ultimate boundary for an adjacent water district. Development at this elevation may never taken place, but it makes a good dividing point. Water serv ice at this time is not above 390 feet. This proposed line is also approximately the ridgeline throughout the area.

The Alameda County Water District sphere should be the current Alameda County Water District line on the south, which, for the most part, is coterminous with the Fremont line. For the balance of the west-southwest of the District, the sphere should be the current Alameda County Water District boundary.

With these Alameda County Water District spheres, the District which provides essential municipal services will have its ultimate service areas virtually coterminous with the cities it serves in the Washington Township community. And, as such, it will meet the criteria for spheres of influence.

